

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RICHARD AND PATRICIA GREENE §
VS. § CIVIL ACTION NO. _____
§
§
UNITED PROPERTY & CASUALTY § JURY DEMANDED
INSURANCE COMPANY §

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, UNITED PROPERTY & CASUALTY INSURANCE COMPANY (“*United Property*”), Defendant herein, removes to this Court the state court action pending in the 269TH Judicial District Court of Harris County, Texas invoking this Court’s diversity jurisdiction, on the grounds explained below.

BACKGROUND

1. On October 25, 2019, Plaintiffs Richard and Patricia Greene filed the present action in the 269th Judicial District Court of Harris County, Texas, bearing Cause No. 2019-78356 (the “State Court Action”) against Defendant United Property & Casualty Insurance Company. *See* Plaintiff’s Original Petition, attached hereto as **Exhibit B**.

2. Defendant United Property was served/received notice of this lawsuit on November 1, 2019, and appeared and answered on November 25, 2019, asserting a general denial and affirmative defenses to the claims and allegations made in Plaintiff’s Original Petition. See Defendant’s Original Answer, attached as **Exhibit B**.

3. Pursuant to 28 U.S.C. § 1446(a) a copy of all process, pleadings, and orders served upon Defendant in the State Court Action are incorporated herein under **Exhibit B**.

4. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will give written notice of the removal to Richard and Patricia Greene (“Plaintiffs”) through their attorney of record, and to the clerk of the 269th Judicial District Court of Harris County, Texas.

5. Pursuant to 28 U.S.C. § 1446(b)(3) this Notice of Removal has been timely filed by the Defendant within thirty (30) of service of the lawsuit.

EXHIBIT INDEX

Exhibit A Index of Matters Being Filed;

Exhibit B All executed process in this case, including a copy of the Plaintiff’s Original Petition, citation, civil process pick-up form, civil process request, and a copy of Defendant’s Original Answer

Exhibit C List of all Counsel of Record

Exhibit D Civil Cover Sheet

JURISDICTION

8. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the matter is removal to this Court pursuant to 28 U.S.C. § 1441(a) because there is complete diversity of citizenship between the properly joined parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

A. DIVERSITY OF PARTIES

9. Plaintiffs are domiciled in Harris County, Texas. In their Original Petition, Plaintiffs allege that they are individual residing in Harris County, Texas¹. Pursuant to 28 U.S.C. § 1332(a), Plaintiff is a citizen of the State of Texas.

10. United Property & Casualty Insurance Company is a foreign organization incorporated pursuant to the laws of the State of Florida and does not have its principle place of business in Texas. Pursuant to 28 U.S.C. § 1332(c)(1), United Property is a citizen of the State of Florida.

11. Accordingly, there is complete diversity between the properly joined parties pursuant to 28 U.S.C. § 1332(a).

B. AMOUNT IN CONTROVERSY

12. Plaintiff's Original Petition states that "Plaintiffs are seeking monetary relief of \$1,000,000.00...."²

13. The amount in controversy plainly exceeds \$75,000.00, exclusive of interest and costs. *See Exhibit B*. Accordingly, the amount in controversy requirement of 28 U.S.C. § 1332(b) is satisfied.

CONCLUSION

15. Removal of this action under 28 U.S.C. § 1441(a) is proper as the district courts of the United States have original jurisdiction over the matter pursuant to 28 U.S.C. § 1332, and as all requirements for removal under 28 U.S.C. § 1446 have been met.

¹ See Plaintiff's Original Petition, **Exhibit B**, at P. II.

² See Plaintiff's Original Petition, **Exhibit B**, at P. III.

WHEREFORE, Defendant, United Property & Casualty Insurance Company, respectfully prays that the state court action be removed and placed on this Court's docket for further proceedings as though it had originated in this Court and that this Court issue all necessary orders. United Property further requests any additional relief to which it may be justly entitled.

DATE: November 26, 2019.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Sarah R. Smith

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ATTORNEYS FOR DEFENDANT,
UNITED PROPERTY & CASUALTY
INSURANCE COMPANY

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been delivered to all interested parties on 26th day of November, 2019, via e-filing addressed to:

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